

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND EDWARD STEELE,)	
)	2:03-cv-0143-GEB-KJM
Petitioner,)	DEATH PENALTY CASE
)	
v.)	<u>ORDER</u>
)	
STEVEN W. ORNOSKI, Acting Warden)	
of California State Prison at)	
San Quentin,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

The Findings and Recommendations ("F&Rs") filed May 18, 2006, informed the parties that any objections were to be filed within thirty days. Respondent filed objections and Petitioner filed a reply.

The Court has reviewed the F&Rs de novo under 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, and finds them to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1 1. The F&Rs filed May 18, 2006, are adopted in full;

2 2. Respondent's September 9, 2005, motion to dismiss is
3 granted in part and denied in part as follows:

4 a. Petitioner's claims 3, 5, 6, 15, 21, 23, 29-32, 37,
5 38, 41C, 41D, 41F, 41G, 41H, 41N (to the extent it relies upon
6 unexhausted claims), 42, 44-46, 50C, 50D, 50E, 55, 56, 59-68, and 69
7 (to the extent it relies upon unexhausted claims) are unexhausted and
8 the remaining claims in the petition for writ of habeas corpus are
9 exhausted; and

10 3. These proceedings shall be stayed and held in abeyance to
11 permit Petitioner to exhaust his unexhausted claims; and

12 a. Petitioner shall file any state exhaustion petition
13 within thirty days of the date on which this Order is filed and shall
14 file a notice in this Court when he has done so;

15 b. Petitioner shall file a report on the status of the
16 state proceedings every sixty days thereafter; and

17 c. Petitioner shall notify this court within ten days
18 of the state court's resolution of his state proceedings.

19 Dated: September 29, 2006

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21 /s/ Garland E. Burrell, Jr.
22 GARLAND E. BURRELL, JR.
23 United States District Judge
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